using a proteolytic fragment of tetanus toxin (TT) in association with at least a molecule having a biological function;

II. Claims 12-16 and 27-30, drawn to a method for *in vivo* delivery of a desired composition into human or animal CNS or spinal cord by using a vector containing nucleotide sequence encoding hybrid fragment of TT in association with at least a molecule having a biological function;

III. Claims 27-30, drawn to a method for *in vivo* delivery of a desired composition into human or animal CNS or spinal cord by using a cell containing nucleotide sequence encoding hybrid fragment of TT in association with at least a molecule having a biological function;

IV. Claims 17-19 and 21-23, drawn to a hybrid peptide fragment of tetanus toxin comprising a fragment C and a fragment B or a fraction thereof at least 11 amino acid residues;

V. Claims 24 and 31, drawn to a vector or a cell containing a promoter and a nucleic acid coding for the fragment of TT, wherein said nucleic acid is associated with a polynucleotide coding for a protein;

VI. Claim 25, drawn to a method of treatment of a patient by delivering a composition comprising a hybrid fragment of TT;

VII. Claim 26, drawn to a method of treatment of a patient by delivering a composition comprising a vector expressing hybrid fragment of TT.

(Paper No. 8, pp. 2-3)

Applicants provisionally elect to prosecute, with traverse, Group IV, claims 17-19 and 21-23, drawn to a hybrid peptide fragment of tetanus toxin comprising a fragment C and a fragment B or a fraction thereof at least 11 amino acid residues.

Section 803 of the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits . . . ." M.P.E.P. § 803 (emphasis added). Applicants respectfully point out

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that the Office has not demonstrated the serious burden of examining the claims of Groups V-VII with the claims of Group IV.

All of the claims of Groups V-VII (24, 25, 26, and 31) depend directly or indirectly from claims that have been restricted into Group IV. For example, claims 24 and 31 (Group V) are drawn to a vector and a vector or a cell, respectively, and each comprises, *inter alia*, a nucleic acid sequence coding for the fragment of tetanus toxin according to claim 17, which has been restricted to Group IV. Similarly, claim 25 (Group VI), is drawn to a method of treatment comprising administering the composition of claim 21, which has been restricted to Group IV. Finally, claim 26 (Group VII), is drawn to a method of treatment comprising delivering a vector according to claim 24. As discussed above, claims 24 depends from claim 17, which has been restricted to Group IV. Thus, an exhaustive search of Group IV, drawn to a hybrid peptide fragment of tetanus toxin comprising a fragment C and a fragment B or a fraction thereof at least 11 amino acid residues, should encompass any art disclosing the cells and/or vectors of claims 24 and 31 (Group V) and the methods of claims 25 (Group VI) and 26 (Group VII).

Accordingly, applicants respectfully request that the Office withdraw the restriction of Groups IV-VII and examine claims 17-19, 21-26, and 31 together in this application.

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CONCLUSION

In view of the foregoing remarks, applicants respectfully request the examination on the merits of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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